



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY 21 2014

Ref: 8ENF-UFO

CERTIFIED MAIL 7008-3230-0003-0727-5386
RETURN RECEIPT REQUESTED

Mr. Chris Freeman
Berry Petroleum Company
1999 Broadway, Suite 3700
Denver, CO 80202

Re: Underground Injection Control (UIC)
Notice of Violation: Failure to Submit Annual Monitoring Report

Dear Mr. Freeman:

After review of our files, the Environmental Protection Agency (EPA) finds that Berry Petroleum Company failed to comply with one or more 2013 report submission requirements by the due date of February 15, 2014. The applicable report submission requirements are described below and apply to the wells listed in the enclosure to this letter. As in past years, the EPA provided a courtesy reminder notice to Berry Petroleum Company about the report submission requirement and the February 15, 2014, deadline in a letter dated December 17, 2013, sent to Berry Petroleum Company.

Annual Monitoring Report: The UIC regulations at Title 40 of the Code of Federal Regulations, Section 146.23(c) and Berry Petroleum Company's UIC permit at Part II, requires an annual submission of observations of each injection well's injection tubing pressure and injection flow rate. A UIC permit may also require reporting each injection well's observed annulus pressures. For the 2013 reporting year, Berry Petroleum Company failed to submit the required tubing pressure, injected volume and, where applicable, annulus pressure monitoring information for the wells described in the enclosure by the February 15, 2014, deadline. Our records show this complete report was never received in our office on date of receipt. Failure to comply with this requirement is a UIC permit violation and a UIC regulatory violation.

Fluid Analysis: The UIC regulations at Title 40 of the Code of Federal Regulations, Section 146.23(c) and Berry Petroleum Company's UIC permit at Part II, requires an annual submission of a chemical analysis representative of fluids injected at each injection well, analyzed for total dissolved solids, specific gravity, specific conductivity, and pH. For the 2013 reporting year, our records show that a fluid analysis report was received in our office on February 13, 2014. Failure to comply with this requirement is a UIC permit violation and a UIC regulatory violation.

Within thirty (30) days of receipt of this letter, please submit a letter describing what action Berry Petroleum Company intends to take regarding this matter. If Berry Petroleum Company has not already done so, then immediately come into compliance with the reporting requirements specified in this letter.

Failure to comply with a UIC Permit or the UIC regulations found at 40 CFR Parts 144 through 148 constitute one or more violations of the Safe Drinking Water Act, 42 U.S.C. § 300h. Such non-compliance may subject you to formal enforcement by the EPA, as codified at 40 CFR Part 22. Administrative penalties for violations in the UIC program may be assessed by the EPA in an amount up to \$16,500 per day of violation for each violation. Civil penalties for violations in the UIC program may be assessed by the Department of Justice in an amount up to \$32,500 per day of violation for each violation. Other actions authorized by the Safe Drinking Water Act in response to UIC violations include, as applicable, terminating Berry Petroleum Company's UIC permit and authorization to inject.

If you have any questions concerning this letter, you may contact Sarah Roberts at (303) 312-7056. Please direct all correspondence to the attention of Sarah Roberts at Mail Code 8ENF-UFO.

Sincerely,



Mark Chalfant, Acting Director
UIC/FIFRA/OPA Technical Enforcement Programs

Enclosure (list of applicable injection wells)

cc: Gordon Howell, Chairman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026

Ronald Wopsock, Vice-Chairman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026

Reannin Tapoof, Executive Assistant
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026

Stewart Pike, Councilman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026

Tony Small, Councilman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026

Bruce Ignacio, Councilman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026



Phillip Chimburas, Councilman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026

Manuel Myore, Director of Energy,
Minerals and Air Programs
Ute Indian Tribe
P.O. Box 190
Fort Duchesne, Utah 84026

John Rogers
Utah Division of Oil, Gas and Mining
P.O. Box 145801
Salt Lake City, Utah 84114





UNDERGROUND INJECTION CONTROL - DEEP WELL PROGRAM

WELL INVENTORY REPORT (Sorted by Operator)

File No: Well Name / Well Type / Oper Status: N/E/C: Oil Field Name: S/T/R: State: Tribe Name:

BRY01 Berry Petroleum Company, LLC

1999 Broadway, Suite 3700

Denver, CO 80202

UT21180-08151	Ute Tribal 6-30-54 Enhanced Recovery (2R) AC (Active)	New	Brundage	SENW S30 T5S R4W	UT	Uintah and Ouray
UT22147-08439	Ute Tribal 10-30D-54 Enhanced Recovery (2R) AC (Active)	New	Brundage	NWSE S30 T5S R4W	UT	Uintah and Ouray
UT22148-08440	Ute Tribal 12-30-54 Enhanced Recovery (2R) AC (Active)	New	Brundage	NWSW S30 T5S R4W	UT	Uintah and Ouray
UT22149-08441	Ute Tribal 14-30-54 Enhanced Recovery (2R) AC (Active)	New	Brundage	SESW S30 T5S R4W	UT	Uintah and Ouray
UT22188-08900	Ute Tribal 1-21-54 Enhanced Recovery (2R) AC (Active)	Conversion	Brundage	NENE S21 T5S R4W	UT	Uintah and Ouray
UT22189-08901	Ute Tribal 2-21-54 Enhanced Recovery (2R) AC (Active)	Conversion	Brundage	NWNE S21 T5S R4W	UT	Uintah and Ouray

UNDERGROUND INJECTION CONTROL - DEEP WELL PROGRAM

WELL INVENTORY REPORT (Sorted by Operator)

File No:	Well Name / Well Type / Oper Status:	N/E/C:	Oil Field Name:	S/T/R:	State:	Tribe Name:
UT22190-08902	Ute Tribal 7-21-54 Enhanced Recovery (2R) AC (Active)	Conversion	Brundage	SWNE S21 T5S R4W	UT	Uintah and Ouray
UT22192-08904	Ute Tribal 9-21-54 Enhanced Recovery (2R) AC (Active)	Conversion	Brundage	NESE S21 T5S R4W	UT	Uintah and Ouray
UT22194-08906	Ute Tribal 15-21-54 Enhanced Recovery (2R) AC (Active)	Conversion	Brundage	SWSE S21 T5S R4W	UT	Uintah and Ouray
UT22195-08907	Ute Tribal 16-21-54 Enhanced Recovery (2R) AC (Active)	Conversion	Brundage	SESE S21 T5S R4W	UT	Uintah and Ouray

Number of Wells - Berry Petroleum Company, LLC - AC (Active): 10

UT20857-04482	Ute Tribal 16-18 Enhanced Recovery (2R) PR (Producer)	New	Brundage	SESE S18 T5S R4W	UT	Uintah and Ouray
UT20857-04596	Ute Tribal 2-19 Enhanced Recovery (2R) PR (Producer)	New	Brundage	NWNE S19 T5S R4W	UT	Uintah and Ouray
UT20857-04644	Ute Tribal 14-17 Enhanced Recovery (2R) PR (Producer)		Brundage	SESW S17 T5S R4W	UT	Uintah and Ouray

UNDERGROUND INJECTION CONTROL - DEEP WELL PROGRAM

WELL INVENTORY REPORT (Sorted by Operator)

File No:	Well Name / Well Type / Oper Status:	N/E/C:	Oil Field Name:	S/T/R:	State:	Tribe Name:
UT20857-04645	Ute Tribal 9-18 Enhanced Recovery (2R) PR (Producer)	New	Brundage	NESE S18 T5S R4W	UT	Uintah and Ouray
UT22193-08905	Ute Tribal 10-21-54 Enhanced Recovery (2R) PR (Producer)	Conversion	Brundage	NWSE S21 T5S R4W	UT	Uintah and Ouray

Number of Wells - Berry Petroleum Company, LLC - PR (Producer): 5

UT22195-00000	Brundage Canyon Area Permit Enhanced Recovery (2R) Proposed	Conversion	Brundage	S T R	UT	Uintah and Ouray
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Number of Wells - Berry Petroleum Company, LLC - Proposed: 1

UT22186-08898	Ute Tribal 1-28-54 Enhanced Recovery (2R) UC (Under Construction)	Conversion	Brundage	NENE S28 T5S R4W	UT	Uintah and Ouray
UT22187-08899	Ute Tribal 2-28-54 Enhanced Recovery (2R) UC (Under Construction)	Conversion	Brundage	NWNE S28 T5S R4W	UT	Uintah and Ouray
UT22191-08903	Ute Tribal 8-21-54 Enhanced Recovery (2R) UC (Under Construction)	Conversion	Brundage	SENE S21 T5S R4W	UT	Uintah and Ouray
UT22193-08905	Ute Tribal 10-21-54 Enhanced Recovery (2R) UC (Under Construction)	Conversion	Brundage	NWSE S21 T5S R4W	UT	Uintah and Ouray

UNDERGROUND INJECTION CONTROL - DEEP WELL PROGRAM

WELL INVENTORY REPORT (Sorted by Operator)

File No: Well Name / Well Type / Oper Status: N/E/C: Oil Field Name: S/T/R: State: Tribe Name:

Number of Wells - Berry Petroleum Company, LLC - UC (Under Construction): 4

Total Number of Wells - Berry Petroleum Company, LLC: 20

Total Number of Wells for this Report: 20
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